

REMARKS

Claims 45-81 are pending and are new. Original claims 1-44 have been canceled.

In responding to the Examiner's prior art rejections, Applicant here only justifies the patentability of the independent claims. As the Examiner will appreciate, should these independent claims be patentable over the prior art, narrower dependent claims would also necessarily be patentable. Accordingly, Applicant does not separately discuss the patentability of the dependent claims, although it reserves the right to do so at a later time if necessary.

The Examiner rejected the previous version of Applicant's claims as anticipated under 35 U.S.C. § 102(b) by USP 6,141,597 ("Botzko").¹

Botzko discloses an audio processing system whose basic components are shown in Figure 2. For sake of argument, Applicant will assume that Botzko discloses a system having a plurality of what Applicant's refers to as "audio ports," each of which contains a decoding section for decoding (i.e., uncompressing) the particular endpoint's decoded (i.e., compressed) audio signals (e.g., 19c), and a mixing section containing a switch 22 for selecting or mixing audio signals from the other audio ports. (Figure 2 discloses selection, while Figure 3 discloses a more-complex embodiment having selection and/or mixing). In the embodiment of Figure 3, the audio signals to be mixed are decoded audio signals, such as occurs in Applicant's embodiments.

However, these similarities aside, Applicant's new claims distinguish over Botzko, as a review of each of Applicant's independent claims shows.

¹ The Examiner had also rejected now-canceled claim 5 for under 35 U.S.C. § 112, but this issue is now moot in light of Applicant's new claims.

- *Claim 45:*

Claim 45 recites

A system, comprising:

a plurality of audio ports between which audio signal processing of a conference is distributed, wherein each audio port processes input audio signals from an assigned endpoint and processes output audio signals to be sent to its assigned endpoint; and

one or more audio controllers, wherein the one or more audio controllers receive *control information* from each of the audio ports *as derived from the processed input audio signals and provide control instructions* to each of the audio ports *to control processing of the output audio signals*,
wherein the *audio controller does not otherwise receive or process the audio signals.*

These highlighted limitations are neither disclosed nor suggested by Botzko. For example, in Figure 2 of Botzko, the closest structure to the claimed audio controller would be Botzko's selector 22n. Selector 22n receives uncompressed audio signals from the other audio ports, and assesses these signals to generate a control instruction 24 to pick a compressed audio signal to send to the endpoint (site C). But the selector 22n does not "receive control information from each of the audio ports," nor does it receive control information from even one port. Instead, the selector 22n receives the audio signals (19a, 19b, 19d), which Applicant specifically disclaims. In short, Botzko's selector 22n—the only possible structure in Figure 2 corresponding to Applicant's claimed "audio controller," clearly does not meet the limitations of the claims, and thus cannot anticipate. Additionally, nowhere in Figure 2 does Botzko disclose any "control information" that is derived from the processed input audio signals, as Applicant claims.

Botzko's other significant embodiment of Figure 3 likewise does not disclose these limitations. No structure in Figure 3 possibly akin to Applicant's claimed "audio controller," e.g., Botzko's speech detector/selector 26', "receive[s] control information from each of the audio ports," nor does it receive control information from even one port. In fact, Figure 3

discloses no “control information . . . derived from the processed input audio signals” at all. Instead, Botzko only discloses (arguably) “control instructions . . . to control processing of the output audio signals,” such as signals 24’ and 36, which could not simultaneously also comprise the lacking “control information.” Moreover, all of the units disclosed in Figure 3 (detector 26’, mixer 37, encoder 29, switch 22’ and selector 34) “receive or process the audio signals,” which Applicant specifically disclaims. In short, no structure in Figure 3 of Botzko corresponds to Applicant’s claimed “audio controller,” and therefore Botzko does not meet the limitations of the claims, and thus cannot anticipate.

• Claim 60:

Claim 60 recites

A system, comprising:

a plurality of audio ports between which audio signal processing of a conference is distributed, each of the plurality of audio ports comprising
a decoder for decoding a compressed audio signal,
an analyzer for deriving control information from the decoded audio signal,
a mixer for mixing audio signals from other audio ports, and
an encoder that encodes the audio signal mixed by the mixer,
an information channel for receiving the control information from the audio ports;
one or more audio controllers for receiving the control information from the
information channel and for deriving mixing control instructions;
a control channel for sending the mixing control instructions to the mixers; and
a system interface for sharing the decoded audio signals between the audio ports.

As to this claim, only Figure 3 of Botzko could be relevant, as Botzko’s “audio port” of Figure 2 does not disclose, e.g. encoding. But Figure 3 does not disclose “derived control information from the decoded audio signal,” which is received at an “information channel,” further received at an “audio controller,” which in turn derives “mixing control instructions.” As discussed in detail with respect to claim 45, “mixing control instructions” may be derived in Figure 3, e.g., signals 24’ and 36, but there is no “control information” counterpart “derive[d] . . . from the decoded audio signals.” Signals 24’ and 36 cannot simultaneously constitute both signals. In

short, there is no "audio controller" in claim 60 which receives "control information" and derives "control mixing instructions" in the manner claimed.

• Claims 64 & 68:

Salient limitations in claims 64 and 68 are similar to those present in claim 45, as discussed above. Therefore, for the same reasons highlighted as to claim 45, Botzko cannot anticipate claims 64 and 68.

• Claims 73 & 80:

Salient limitations in claims 73 and 80 are similar to those present in claim 60, as discussed above. Therefore, for the same reasons highlighted as to claim 60, Botzko cannot anticipate claims 73 and 80.

* * * * *

Applicant submits that pending claims 45-81 are patentable over the prior art of record, and requests the issuance of a notice of allowance. The Examiner is invited to contact the undersigned to discuss any issues that this paper might raise.

Respectfully submitted,

2/24/05
Date:

Wong Cabello, LLP
20333 SH 249, Suite 600
Houston, TX 77070
(832) 446-2422



Terril G. Lewis
Reg. No. 46,065